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## **FACSIMILE TRANSMITTAL**

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### **FORMAL COMMUNICATION**

**Date:** March 17, 2003

**To:** Examiner Christopher H. Yaen  
United States Patent and Trademark Office

**Facsimile No.** (703) 746-7646

**From:** Carol L. Francis (Reg. No. 36,513)

**Re:** U.S. Application Serial No. 09/771,263  
Inventors: James Thompson  
Our Reference: IRVN-005CIP

**Message: Examiner Yaen:**

Please see the attached Amendment for the above-referenced matter.

Please let me know if I can be of further assistance.

Carol Francis can be reached at 650-833-7713.

Thank you!

**Total number of pages, including this cover sheet: 13**

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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	09/771,263
		Filing Date	January 26, 2001
		First Named Inventor	GRANGER, GALE A.
		Group Art Unit	1642
		Examiner Name	YAEN, CHRISTOPHER H.
Total Number of Pages in This Submission	12	Attorney Docket Number	IRVN-005CIP
<b>ENCLOSURES (check all that apply)</b>			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	
		<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):	
Remarks			
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>			
Signing Attorney/Agent (Reg. No.)	CAROL L. FRANCIS, 36,513 BOZICEVIC, FIELD & FRANCIS LLP		
Signature			
Date	March 17, 2003		

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>			
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Typed or printed name	Steven K. Goldstein	Date	March 17, 2003
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Signature	<i>St F Gold</i>	Date	March 17, 2003

<b>AMENDMENT UNDER 37 C.F.R. §1.111</b>  Address to: Assistant Commissioner for Patents Washington, D.C. 20231	Attorney Docket	IRVN-005CIP
	Confirmation No.	7988
	First Named Inventor	Gale Arthur Granger
	Application Number	09/771,263
	Filing Date	January 26, 2001
	Group Art Unit	1642
	Examiner Name	Christopher Yaen
	Title	Treating Tumors Using Implants Comprising Combinations of Allogenic Cells

Sir:

This supplemental amendment is being filed at the request of Examiner Yaen, who kindly pointed out errors in the amendment requested in the communication mailed December 5, 2002. The supplemental amendment corrects errors in the presentation of the requested amendment, and for the Examiner's convenience, again provides the arguments submitted in the December 5, 2002 communication.

Applicants note the error in the December 5, 2002 amendment was in requesting addition of new claims 25 and 26. Claims 25 and 26 were not new at the time of filing the amendment, but were added in the amendment mailed March 28, 2002.

The amendment mailed December 5, 2002 was fully responsive to the Office Action dated June 5, 2002 for which a three-month period for response was given making this response due on or before September 5, 2002. A Petition for a Three Month Extension of Time was submitted with the December 5, 2002 communication, making it timely filed. No further extensions or fees are believed due with this amendment.

In view of the amendments to the claims and the remarks put forth below, reconsideration and allowance are respectfully requested. A clean copy of the amended claims appears below with the amended version attached on a document marked "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

## AMENDMENTS

### IN THE CLAIMS

Please replace the pending claims with their correspondingly numbered claims below.

Cancel claim 1 without prejudice.